

## REMARKS

Claims 11, 17-25, 43-55 and 62-71 are pending. Applicants respectfully request consideration of the following remarks.

### **Amendment to the Specification**

Pursuant to 37 C.F.R. § 1.71(g)(1), Applicants have requested to amend the specification to disclose the names of the parties to a joint research agreement. *See* 35 U.S.C. § 103(c)(2)(C). This amendment is necessary for proper disclosure of the parties to the joint research agreement relevant to the terminal disclaimers filed herewith. Applicants submit that this amendment requires no substantial amount of additional work on the part of the Office. *See* M.P.E.P. § 714.16(a) (amendments needed for proper disclosure of the invention that require no substantial amount of additional work on the part of the Office may be considered). Pursuant to 37 C.F.R. § 1.71(g)(2), Applicants hereby authorize payment of the \$130.00 processing fee set forth in 37 C.F.R. § 1.17(i).

### **Terminal Disclaimers**

Applicants respectfully request that the terminal disclaimers filed on January 8, 2009 over U.S. Patent Nos. 7,105,493; 7,148,206 and 7,157,441 (“the reference patents”), be withdrawn, and the enclosed terminal disclaimer be entered into the file of the instant application. A Petition under 37 C.F.R. § 1.182 requesting entry of the above-mentioned amendment to the specification, withdrawal of the terminal disclaimers filed on January 8, 2009, and consideration of the enclosed terminal disclaimers is submitted concurrently herewith. At the time the terminal disclaimers filed on January 8, 2009 were executed, the owners of the instant application were correctly listed as Idenix Pharmaceuticals, Inc., Universita Degli Studi Di Cagliari and Centre National de la Recherche Scientifique. Subsequently, the attached Assignment Agreement was executed, placing ownership of the instant application in Idenix Pharmaceuticals, Inc., Universita Degli Studi Di Cagliari, Centre National de la Recherche Scientifique, and L’ Université Montpellier II (“the collaborative owners”). As shown in the attached Assignment Agreement, the collaborative owners have entered into a joint research agreement that, among other things, encompasses the subject matter of the instant claims and the reference patents. Therefore, as discussed in Applicants’ response to the Office Action of July 10, 2008, the reference patents are considered owned by the same party as the instant application under 35 U.S.C. §§ 103(c)(2)(C) and (c)(3), the terminal

disclaimer submitted herewith is properly filed in response to the Examiner's obviousness-type double patenting rejections.

Applicants also request that the terminal disclaimers filed on January 8, 2009 over U.S. Patent Application Nos. 10/602,691; 11/005,443 and 11/516,928 be withdrawn and replaced with the enclosed terminals disclaimer for the reasons discussed above. U.S. Patent Application No. 11/005,446 is abandoned, therefore, no terminal disclaimer is submitted in connection therewith.

### Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

Pursuant to 37 C.F.R. § 1.71(g)(2), the processing fee set forth in 37 C.F.R. § 1.17(i) for the amendment to the specification will be paid via EFS Web. Pursuant to 37 C.F.R. § 1.182, the petition fee set forth in 37 C.F.R. § 1.17(f) will also be paid via EFS Web. .

Please charge any other fees deemed due, or credit any overpayment to Jones Day Deposit Account No. 50-3013 (ref. no. 417451-999016). If the Examiner believes it would be useful to advance prosecution, the Examiner is invited to telephone the undersigned at (858) 314-1200.

Respectfully submitted,

Date: April 20, 2009

  
For: Dale. L. Rieger

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